

# **MINUTES**

## **TENNESSEE BOARD OF MEDICAL EXAMINERS**

**SEPTEMBER 21 AND 22, 2004**

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The meeting was called to order at 8:40 a.m., in the Cumberland Room, Ground Floor of the Cordell Hull Building, 425 Fifth Avenue North, Nashville, Tennessee 37247-1010, by President Dr. David Cunningham. Other members present were: Drs. Charles White, Subhi Ali, Barbara Engelhardt, George Eckles, Michael Zanolli, Mitchell Mutter, Allen Edmonson, Ms. Nina Yeiser, Ms. Mary Johnson and Mr. Mark Brown. Absent member was Dr. Sam Barnes. Staff present included: Rosemarie Otto, Executive Director, Marsha Arnold, Unit Manager, Sandra Powell, Administrator, Dr. Larry Arnold, Medical Director and Mr. Robert Kraemer, Advisory Attorney.

### **Minutes**

Minutes from the July 20 and 21, 2004, August 23, 2004 teleconference, August 24, 2004 teleconference and September 1, 2004 teleconference meetings were reviewed. Dr. Edmonson made a motion to approve the minutes and Ms. Yeiser seconded the motion. The motion carried unopposed.

### **Ratification of Licenses**

New, reinstated, failed to renew and voluntarily retired licenses for Medical Doctors, Medical X-Ray Operators and Athletic Trainers were reviewed by the Board. Mr. Brown made a motion to ratify the approval of licenses and the motion was seconded by Dr. Engelhardt. Dr. Mutter made a motion to ratify the approval of licenses by the Acupuncture Committee. Dr. Zanolli seconded the motion. Ms. Johnson made a motion to ratify the Advisory Committee for Acupuncture's adoption on a Lapsed License Policy. Dr. Mutter seconded the motion. Dr. Ali made a motion to ratify the approval of licenses made by the Committee on Clinical Perfusionists and Dr. Zanolli seconded the motion. The motions carried unopposed.

### **New Applicant Interviews**

#### **James Daniel Baxter, MD**

Dr. Baxter is applying for a license to practice medicine in Tennessee. Dr. Arnold reviewed Dr. Baxter's application file for the Board. Dr. Baxter explained the issues pertaining to the 1983 malpractice case and informed the Board that he does not have malpractice insurance at this time but is planning on searching for some. After further questions, Dr. White made a motion to grant Dr. Baxter a license and Dr. Zanolli seconded the motion. Dr. Arnold went on record stating the transfer of a patient in trauma was gross malpractice. The motion passed.

### **William Russell Dougherty, MD**

Dr. Dougherty is applying for a license to practice medicine in Tennessee. Dr. Arnold reviewed Dr. Dougherty's application file for the Board and reported that Dr. Dougherty was allowed to resign from a hospital in lieu of being terminated. Dr. Dougherty explained what had happened and informed the Board he plans on working at Vanderbilt and had fully disclosed all information pertaining to his resignation to them. Dr. Engelhardt made a motion to grant Dr. Dougherty a license and Dr. Eckles seconded the motion. Dr. Edmonson opposed. The motion passed.

### **Anant K. Sonpatki, MD**

Dr. Sonpatki is applying for a license to practice medicine in Tennessee. Dr. Arnold reviewed Dr. Sonpatki's application file for the Board. Dr. Sonpatki graduated from a school not known by the Board. The Board asked questions about Spartan School of Medicine and brought to the attention of the applicant an article mentioning negative information about the school. Mr. Kraemer referred the Board to Rule 0880-2-.04 about foreign medical schools. Mr. Brown asked Dr. Arnold if the educational training at Spartan complied with the rules. Dr. Arnold's opinion was that the education is inferior. There is no documentation that the school is accredited. Dr. Arnold stated the sixty months of training Dr. Sonpatki acquired at the school is not equivalent to the United States' four year schools. Mr. Brown's suggestion was to defer to the next meeting in order for the Board to obtain more information about Spartan School of Medicine. Dr. Mutter made a motion to give Dr. Sonpatki the option to withdraw his application until he can submit more documentation on the school for the Board's review. Ms. Yeiser seconded the motion. The motion passed unopposed.

### **Charity Dawn Stout, MD**

Dr. Stout is applying for a license to practice medicine in Tennessee. Dr. Arnold reviewed Dr. Stout's application file for the Board. Dr. Stout has not practiced in two years as a result of an ongoing problem with depression. Dr. Roland Gray, Medical Director of the Tennessee Medical Foundation spoke on behalf of Dr. Stout and informed the Board she is seeking advocacy with TMF but she was not under their advocacy. Dr. White made a motion to give Dr. Stout the option of withdrawing her application and taking refresher course before a license can be considered. Dr. Ali seconded the motion. The motion passed unopposed. Dr. Stout withdrew her application.

### **Kyle Marion Tharp, MD**

Dr. Tharp is applying for a license to practice medicine in Tennessee. Dr. Tharp had previous DUI convictions several years ago while still in medical school and has met with Dr. Roland Gray with the Tennessee Medical Foundation. Dr. Gray advocated for him. Ms. Yeiser made a motion to grant Dr. Tharp a license. Dr. Ali seconded the motion. The motion passed unopposed.

### **Gregory S. Uhl, MD**

Dr. Uhl is applying for a license to practice medicine in Tennessee. Dr. Arnold reviewed Dr. Uhl's application file for the Board. Dr. Uhl relinquished his New Mexico license in lieu of

a disciplinary investigation. Dr. Mutter asked Dr. Uhl about his anger issues. Dr. Uhl stated he has talked with Dr. Roland Gray of the Tennessee Medical Foundation. Dr. Gray spoke on behalf of Dr. Uhl and stated he has TMF advocacy. After further discussions, Ms. Yeiser made a motion and Dr. Edmonson seconded the motion to grant Dr. Uhl a license to practice medicine in Tennessee. The motion passed unanimously.

### **Joseph B. Zehner, MD**

Dr. Zehner is applying for a license to practice medicine in Tennessee. Dr. Arnold reviewed Dr. Zehner's application file for the Board. Dr. Zehner is an Orthopedic Surgeon and has malpractice issues which he explained to the Board. Dr. Cunningham asked about the malpractice insurance. Dr. Zehner stated he is moving to Tennessee because the malpractice insurance is less costly. Dr. Zehner stated he has an opportunity to practice in Dyersburg, Tennessee. After further questions, Dr. White made a motion to grant Dr. Zehner a license and Dr. Ali seconded the motion. Dr. Cunningham and Dr. Edmonson opposed. The motion passed.

### **Reinstatement Interviews**

#### **Colin Max Muir, MD**

Dr. Muir is applying for reinstatement of his Tennessee medical license. Dr. Arnold reviewed Dr. Muir's application file for the Board. The Board asked Dr. Muir about the many malpractice cases. Dr. Muir answered the Board's questions. After further questions, Dr. Edmonson made a motion to reinstate Dr. Muir's license. Ms. Yeiser seconded the motion. Ms. Johnson, Dr. Ali, Dr. Cunningham, Mr. Brown and Dr. White opposed. The motion passed.

#### **Manuel Antunez-Benitez, MD**

Dr. Antunez-Benitez is applying for reinstatement of his Tennessee medical license. Dr. Arnold reviewed Dr. Antunez-Benitez application file for the Board. Dr. Antunez-Benitez has not been practicing in a clinical setting for several years but stated he planned on doing general surgery. Dr. White's suggestion to Dr. Antunez-Benitez was to obtain training for CME credits or enroll in a mini residency program to brush up on his skills. After further questions, Dr. White made a motion for Dr. Antunez-Benitez to obtain one year of training, take the SPEX exam and then re-apply. Dr. Engelhardt seconded the motion. The motion passed unopposed. Dr. White gave Dr. Antunez-Benitez the option of withdrawing his application, which he accepted.

#### **Amy Lynch, MD**

Dr. Lynch is applying for reinstatement of her Tennessee medical license. Dr. Lynch has not practiced in five years but has recertified in Pediatrics and Critical Care. Dr. Mutter made a motion to reinstate the medical license of Dr. Lynch and Dr. Zanolli seconded the motion. The motion passed unopposed.

#### **Robert Lynn Sain, MD**

Dr. Sain is applying for reinstatement of his medical license. Dr. Arnold reviewed Dr. Sain's application file to the Board. Dr. Sain retired three years ago and is not planning on doing surgery. Dr. White suggested that Dr. Sain obtain some CME credits. Dr. Engelhardt made a

motion to grant Dr. Sain reinstatement of his medical license pending submission of Forty (40) hours of CME credits. Ms. Yeiser seconded the motion. The motion passed unopposed.

### **Ifeatu Ekelem, MD**

Dr. Ekelem is applying for reinstatement of his medical license. Dr. Ekelem was not present for the interview. Dr. Engelhardt recused herself. Dr. Arnold reviewed the application file for the Board. Dr. Ekelem was suspended from hospital staff and has been removed from Blue Cross/Blue Shield. Dr. Arnold recommended denial of license. After further discussions, Dr. Mutter made a motion to deny Dr. Ekelem's reinstatement of license. Dr. Ali seconded the motion. The motion passed unopposed.

### **Rule Action**

Jerry Kosten, Rule Coordinator, reviewed the rulemaking hearing, which was held September 17, 2004 regarding housekeeping corrections, Office Based Surgery Committee, Volunteer Practice Rule and American Board of Specialties Recognition in which no one attended and there were no comments. Mr. Kosten stated one part of the rule establishes a committee to meet on Office Based Surgery which will consist of three members from the Board. After further discussions, Dr. Zanolli made a motion to adopt the rule and Dr. Ali seconded. A roll call vote was conducted. The motion passed unanimously.

Mr. Kosten informed the Board of authorizing a rulemaking hearing regarding Public Chapter 704 from 2004 concerning Radiologist Assistants and correcting a reference to a statute, international medical school admission standards, continuing education and continuing education for medical x-ray operators. After further discussions, Dr. Ali made a motion to send to rulemaking hearing. Dr. Mutter seconded the motion. The motion passed unopposed.

A rulemaking hearing was held on April 19, 2004 regarding the Committee for Clinical Perfusionists' adoption of a rule to eliminate charging dual renewal fees. Dr. Zanolli made a motion to adopt the rule and Ms. Johnson seconded the motion. A roll call vote was conducted. The motion passed unanimously.

### **Discussion**

Ms. Judy Eads, Assistant Commissioner for the Department of Health reviewed for the Board forms relative to the Healthcare Decisions Act of 2004. Ms. Eads presented the new forms which will replace Emergency Medical Services DNR forms. Eleven states have already adopted the new forms and the Department supports the use of the new form statewide. Ms. Eads informed the Board that a draft of Healthcare Facility's diagnostic rules were in the works and asked if any of the members would like to review them. Dr. Ali volunteered to review the drafted rules.

Ms. Arnold informed the Board that Mr. Jeff Mullins, who is trying to establish a limited scope x-ray training course, responded to Dr. Starnes' letter with changes to his program. Ms. Arnold had called to invite Mr. Mullins to appear before the Board but there had been no response. Approval of his program was deferred until November giving Dr. Starnes a chance to review the changes. Ms. Arnold reviewed the report for Limited Scope X-Ray Course Providers pass rate for January thru July, 2004 and the Lapsed License Policy for MD X-Ray Operators. Dr. Mutter

made a motion to ratify the Lapsed License Policy for MD X-Ray Operators and Dr. Ali seconded the motion. The motion passed unopposed.

## **Reports**

### **Budget Report**

Ms. Tittle was not present to review the financial report with the Board. The Board reviewed the report.

### **Director's Report**

Ms. Arnold, Unit Manager, reviewed the Director's report and Manager's report in the absence of Ms. Otto who left the room to attend a licensure denial appeal.

### **Investigation Report**

Ms. Lea Phelps, Disciplinary Coordinator, reviewed the report from the Bureau of Investigations in Ms. Denise Moran's absence.

### **Disciplinary Report**

Ms. Lea Phelps, Disciplinary Coordinator reviewed the disciplinary report for the Board.

### **Office of General Counsel Report**

Mr. Robert Kraemer reviewed the OGC report for the Board and reviewed the rules that are in effect which were Office Based Surgery, Chiropractic PC & LLC, Nurse Practitioner Amendment, Disciplinary Rule, Medical Records Amendment and Seven Year 2004 Amendment. Mr. Kraemer also included in his report, questions, opinion and analysis pertaining to the regulation of medical clinics.

### **"Noteworthy" section for the Internet**

The Board did not designate anything for the "Noteworthy" section of the internet.  
Adjourned for lunch at 12:00 noon and reconvened in the Cumberland Room at 1:00 p.m.

## **Disciplinary Action**

### **Cumberland Room:**

Panel: Zanolli, Mutter, Engelhardt

### **Contested Case Hearing**

**Ralph Bard, MD-**Dr. Bard was present and represented by legal counsel, Mr. Jerry Scott. Ms. Shirley Corry, General Counsel for the Office of General Counsel represented the State. The Honorable Meg Robertson, Administrative Law Judge presided. Ms. Corry informed the Board there was a proposed Agreed Order and handed out copies for review. On or about May 17, 2001, Dr. Bard's hospital privileges were summarily suspended from the medical staff at Harton Regional Medical Center, in Tullahoma, Tennessee and permanently revoked on October 15, 2003 after an appeal hearing. Dr. Bard is a general surgeon who was charged with

multiple violations of TCA 63-6-214(b)(4), gross malpractice or a pattern of repeated malpractice. The Proposed Agreed Order states Dr. Bard's license is suspended for a period of four (4) months effective the date of the Order and his medical license is restricted from performing surgical procedures of any kind. Dr. Bard may participate in a mini-residency program in surgery, but must seek the approval of the Board of Medical Examiners. Dr. Bard shall not petition the Board for lifting of limitations for two (2) years. After further deliberations, Dr. Zanolli made a motion to adopt the proposed Agreed Order and Dr. Engelhardt seconded. The motion passed unopposed.

### **Conference Room A & B:**

Panel: Yeiser, Brown, Eckles, Johnson

### **Agreed Order**

**Michael F. Warren, MD-**Dr. Warren was present and represented by legal counsel, Ms. Gail Ashworth. Mr. Robert O'Connell represented the State. The Notice of Charges and Agreed Order were handed out to the panel for review. Dr. Warren is charged with violating TCA 63-6-214(b)(20). Dr. Warren's license was suspended in South Carolina on December 14, 2003. The Agreed Order states that Dr. Warren's medical license will be suspended, that the suspension is to be stayed for the duration of the stayed suspension of his license to practice medicine in South Carolina. Upon the South Carolina stayed suspension being lifted, Dr. Warren must appear before the Tennessee Board of Medical Examiners and petition for the lifting of the Tennessee stayed suspension, before such suspension may be lifted. Dr. Warren's license to practice medicine in Tennessee is formally reprimanded immediately upon the effective date of this Agreed Order. Dr. Eckles made a motion to accept the Agreed Order and Dr. Ali seconded. The motion passed unanimously.

**Jerry Carter, MD-**Dr. Carter was not present but represented by legal counsel, Mr. Mike Roberts who stated that Dr. Carter was very ill. Mr. Jonathan Stephens represented the State. Mr. Stephens handed out the Notice of Charges and Agreed Order to the panel for review. On February 11, 2003, before the United States District Court for the Western District of Tennessee Eastern Division, State of Tennessee, Dr. Carter pled guilty to Conspiracy to Distribute Controlled Substances and Medicare fraud. Dr. Carter was sentenced to imprisonment for seventy (70) months. Dr. Carter is in violation of TCA 63-6-214(b)(1), TCA 63-6-214(b)(4), TCA 63-6-214(b)(10), TCA 63-6-214(b)(12) and TCA 63-6-214(b)(14). The Agreed Order states that Dr. Carter's license to practice medicine in Tennessee is hereby revoked immediately upon the effective date of the Order. Upon the completion of his sentence pursuant to the Order of the United States District Court for the Western District of Tennessee Eastern Division, State of Tennessee, Dr. Carter may petition the Board for an Order modifying the revocation status of his Tennessee medical license. At that time, Dr. Carter may apply for his license to practice medicine and be required to personally appear before the Board. Dr. Carter must pay court cost. Mr. Kraemer stated that the Order needs to read as reapply not reinstate his license. Dr. Ali made a motion to accept the Agreed Order as amended. Ms. Johnson seconded the motion. The motion passed unanimously.

**Gregory Carroll, MD-**Dr. Carroll was present but not represented by legal counsel. Mr. Robert Kraemer represented the State. Mr. Kraemer handed out the Notice of Charges and

Agreed Order to the panel for review. Dr. Eckles and Dr. Ali were recused. Dr. Carroll's Arkansas license was revoked for loss of advocacy of the Tennessee Medical Foundation due to a substance abuse relapse. Dr. Carroll is in violation of TCA 63-6-214 (b)(20). The Agreed Order states that Dr. Carroll's license to practice medicine in Tennessee is revoked but said revocation shall be stayed for 9 months from the effective date of the Order. If Dr. Carroll obtains a license in Arkansas that is free and clear of all encumbrances and petitions and appears before this Board for an Order of Compliance before the expiration of the stay, the revocation will be lifted. If Dr. Carroll's Arkansas license is not cleared before the expiration of the stay, the ordered revocation shall be reinstated and the probation ordered below shall be nullified and Dr. Carroll may not apply for a new license until the expiration of at least one (1) year from the date on which the revocation became effective. Dr. Carroll's license is placed on probation for five (5) years from the effective date of this Order. During the period of probation, Dr. Carroll must submit to the Board's Medical Director, quarterly reports from the Tennessee Medical Foundation regarding his continued activities with and advocacy from the agency. Dr. Carroll must maintain lifetime advocacy of the Tennessee Medical Foundation. If such advocacy is lost for any reason and if such loss is shown to have occurred in any subsequent disciplinary hearing the then sitting board or panel shall revoke Dr. Carroll's license to practice medicine in Tennessee. Mr. Brown made a motion to accept the Agreed Order and Ms. Johnson seconded. The motion passed unanimously.

### **Letter of Reprimand**

**Tracy Brandon, MDX-** Ms. Brandon was not present nor represented by legal counsel. Mr. Robert O'Connell represented the State. Mr. O'Connell handed out the Letter of Reprimand to the panel for review. Ms. Brandon was in violation of practicing without an MD X-ray Operator license but is now licensed. Ms. Johnson made a motion to accept the Letter of Reprimand and Dr. Ali seconded. The motion passed unanimously.

### **Tennessee Room:**

Panel: Cunningham, White, Edmonson, Yeiser

### **Licensure Denial Appeal**

**Hendrik Kuiper, MD-**The panel heard the petition of Hendrik Kuiper for licensure denial appeal. Following a brief background discussion regarding the Board's prior action in denying Dr. Kuiper's application for a Tennessee medical license, Ms. Karyn C. Bryant of the Nashville bar, representing Dr. Kuiper made a brief opening statement followed by Mr. Harry Weddle, representing the State. Ms. Bryant outlined Dr. Kuiper's qualifications, including his academic training and practice history in the state of Mississippi. Mr. Weddle outlined the state's position citing TCA 63-6-207(a)(1)(f) and board rule 0880-2-.04(5). Ms. Bryant called Raymond Martin, M.D., Chief of Surgery at St. Thomas Hospital who opined that Dr. Kuiper was well qualified to practice medicine and surgery in the State of Tennessee. Ms. Bryant then called Hendrik Kuiper, M.D. who testified as to his academic background, training and practice history in the State of Mississippi. Dr. Kuiper was educated and trained in Australia (he is certified by the Australian College of Surgeons), and has had a Mississippi medical license since 1977. The high cost of malpractice insurance was a motivating factor in Dr. Kuiper's desire to relocate his practice to Tennessee. Dr. Kuiper asked the Board to reconsider their earlier decision and grant him a license to practice medicine in Tennessee. Following the close of proof for Dr. Kuiper,

Mr. Weddle called Larry Arnold, M.D., Medical Director for the Board of Medical Examiners. Dr. Arnold explained that Dr. Kuiper does not meet the statutory requirements for licensure in the State of Tennessee because he is a foreign medical school graduate who did not complete a three year training program in the United States or Canada and he is neither board certified nor board eligible.

Following brief closing arguments, the presiding administrative law judge, Todd Kelley turned the proceedings over to the Board. The Board found that while Petitioner Hendrik Kuiper, M.D. has an impeccable medical education from Australia and track record as a doctor in the State of Mississippi, where he has practiced for thirty (30) years his educational background and qualifications do not fit the specifications made for Tennessee licensure in T.C.A. § 63-6-207(a)(2)(f) or in Rule 0880-2-.04(5) of the *Official Compilation of Rules and Regulations of the State of Tennessee (O.C.R.R.S.T.)*. Additionally, the Board does not have the power to grant the Petitioner a Tennessee medical license when he does not meet the statutory requirements for medical licensure in this state, despite an excellent education and practice record. Dr. White made a motion to deny Dr. Kuiper's appeal, seconded by Dr. Edmonson. All panel members voted in favor of upholding the Board's earlier denial of licensure to Dr. Kuiper. Dr. Edmonson made a motion to assess the costs of the proceedings to Dr. Kuiper. The motion was seconded by Dr. White. All members voted in favor of the motion.

The panel adjourned at 4:45 p.m.

### **Order Modification**

**Jacob Veenstra, MD-**Jacob Veenstra, M.D. appeared before the Board and was represented by legal counsel. The state was represented by Joseph Schmidt of the Office of General Counsel. After brief opening remarks, the State called Ms. Lea Phelps, Disciplinary Coordinator for the Department of Health, Health Related Boards. Ms. Phelps testified that Dr. Veenstra was in compliance with his July 2003 board order. The state then called Larry Arnold, M.D., Medical Director of the Tennessee Board of Medical Examiners who testified that he had reviewed the prescriptions submitted to him pursuant to the board's July 2003 order. Dr. Arnold testified that those prescriptions were satisfactory and that Dr. Veenstra had fulfilled the board's requirements. Dr. Veenstra briefly addressed the board and asked them to lift the probation from his license. Dr. Edmonson made a motion to lift Dr. Veenstra's probation. The motion was seconded by Dr. White and passed unanimously.

**Adjourned at 5:30 p.m.**

**Wednesday, September 22, 2004**

### **Cumberland Room:**

Panel: Eckles, White, Edmonson, Yeiser

### **Order Modification**

**James Miller, MD-**Dr. Miller was present but not represented by legal counsel. Mr. Harry Weddle represented the State. The Honorable Todd Kelly, Administrative Law Judge presided. Mr. Weddle handed out the Order Modification to the panel for review. Dr. Miller's medical license was placed on probation for a period of two (2) years for overprescribing.



Dr. Miller violated TCA 63-6-214 (b) (2). In the Order, Dr. Miller was assessed three (3) Class B civil penalties in the amount of five hundred (\$500) dollars each for a total amount of one thousand and five hundred (\$1,500) dollars for the conduct cited in the violations to be paid within six (6) months of entry of the Order. Dr. Miller must complete Dr. Spickard's Prescribing course at Vanderbilt University in Nashville, Tennessee and will not operate any weight loss clinic or program. Mr. Weddle informed the panel that Dr. Miller has complied with the Order and requested the panel to grant the Order Modification. Dr. White made a motion to grant the Order Modification. Dr. Eckles seconded the motion. The motion passed unanimously.

**John Campa, MD-**Dr. Campa was present but not represented by legal counsel. Mr. Robert O'Connell represented the State. Dr. Campa is seeking an Order of Compliance. Mr. O'Connell informed the panel that Dr. Campa has not complied with the Board's Order. Dr. Larry Arnold, Medical Director, stated that Dr. Campa has not complied because the continuing medical education hours have not been completed. Mr. Kraemer informed the Board of the Order revoking the medical license of Dr. Campa and a license of this status cannot be reinstated. Mr. Kraemer asked the staff to look into the Order and determine what the Board's intent was in the actions taken against Dr. Campa's medical license.

### **Contested Case Hearing**

**Wendell Gordon, MD-**Dr. Gordon was neither present nor represented by legal counsel. Mr. Robert O'Connell represented the State. The Honorable Todd Kelly, Administrative Law Judge presided. Mr. O'Connell informed the panel that letters were mailed to Dr. Gordon and were returned undeliverable. Mr. O'Connell asked for Default. Dr. Eckles made a motion for Default and Dr. White seconded the motion. The motion carried unopposed. Mr. O'Connell handed out Kentucky's Notice of Charges, Agreed Order of Permanent Surrender and Tennessee's Notice of Charges and Default Order to the panel for review. Mr. O'Connell is asking the Board to take action parallel to Kentucky's Agreed Order. Dr. Gordon was overprescribing in Kentucky and is in violation of TCA 63-6-214 (b) (20). In his closing arguments, Mr. O'Connell asked the panel to permanently revoke Dr. Gordon's Tennessee medical license. After deliberations, Dr. White made a motion to accept the Finding of Facts. Dr. Edmonson seconded the motion. The motion passed unopposed. Dr. White made a motion to accept the Conclusions of Law and Dr. Eckles seconded the motion. The motion passed unopposed. Dr. White made a motion to accept the Order to protect the health, safety and welfare of the citizens of the State of Tennessee and to permanently revoke the medical license of Dr. Gordon. Dr. Edmonson seconded the motion. The motion passed unopposed. Dr. Eckles made a motion to assess the costs to Dr. Gordon and Dr. White seconded the motion. The motion passed unopposed.

### **Agreed Order**

**Patricia Walters, MD-**Dr. Walters was neither present nor represented by legal counsel. Mr. Robert O'Connell represented the State. Mr. O'Connell handed out the Notice of Charges and Agreed Order to the panel for review. Dr. Walters is in violation of TCA 63-6-214 (b)(1) and Rule 0880-2-.14(7) of the Official Compilation Rules and Regulations of the State of Tennessee-Prerequisites to Issuing Prescriptions or Dispensing Medications-In Person, Electronically, and Over the Internet. The Agreed Order states that Dr. Walters is ordered to surrender her license to practice medicine in the State of Tennessee, commencing immediately

with the effective date of the Agreed Order. Dr. Walters' voluntary surrender of her Tennessee medical license hereby terminates the license previously issued to her. Dr. Walters shall not be eligible to petition the Board for the reinstatement of the previously issued medical license. If Dr. Walters desires to be licensed to practice medicine in the State of Tennessee, she shall submit a new application for medical licensure and shall personally appear before the Board. Dr. Walters must have the advocacy of the Tennessee Medical Foundation as a prerequisite to the issuance of a new medical license. After the passage of one (1) year from the effective date of the Agreed Order, Dr. Walters shall be eligible to submit a new application for medical license. Dr. White made a motion to accept the Finding of Facts of the Agreed Order and Dr. Edmonson seconded. The motion passed unopposed. Dr. White made a motion to accept the Conclusions of Law and Dr. Eckles seconded the motion. The motion passed unopposed. Dr. White made a motion to accept the policy statement. Dr. Edmonson seconded the motion. The motion passed unopposed.

**Adjourned at 11:00 a.m.**

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Dr. Allen S. Edmonson, Secretary

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Date

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